

**STATE OF CONNECTICUT  
OFFICE OF THE CHILD ADVOCATE  
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**TESTIMONY FROM THE OFFICE OF THE CHILD ADVOCATE**

**March 1, 2022**

Senators Anwar and Kelly, Representatives Linehan, and Dauphinais, and all distinguished members of the Committee on Children, this testimony is being submitted on behalf of the Office of the Child Advocate ("OCA"). The obligations of the OCA are to review, investigate, and make recommendations regarding how our publicly funded state and local systems meet the needs of vulnerable children.

**H.B. No. 5242 (RAISED) AN ACT ESTABLISHING AN ONLINE CHILD SEXUAL ABUSE AND EXPLOITATION TASK FORCE.**

OCA supports this bill which would establish a task force to study the sexual abuse and exploitation of children on or facilitated by the Internet in the state.

**H.B. No. 5244 (RAISED) AN ACT CONCERNING THE PROVISION OF OPIOID ANTAGONISTS IN SCHOOLS.**

OCA supports this bill which would provide grants to school districts for the acquisition of opioid antagonists if they include training in screening, brief intervention and referral to treatment (SBIRT) to educators as part of the school district's in-service training program, and to authorize the administration of opioid antagonists in schools in emergency situations.

OCA also recommends a comprehensive public health and education plan for children and communities regarding the storage, utilization, and effects of various substances, including cannabis and opioids, and that such information specifically address the dangers of accidental ingestion or overdose by children.

**H.B. No. 5241 (RAISED) AN ACT PROVIDING FUNDING TO SCHOOL DISTRICTS FOR THE USE OF THERAPEUTIC DAY SCHOOLS FOR SPECIAL EDUCATION.**

OCA writes to express concern about this bill which would increase funding for school districts to outpace children with disabilities in private programs. While OCA is deeply concerned about the chronic underfunding of education for vulnerable children, including low-income children with disabilities, OCA is also concerned about the overuse of segregated settings for children with certain disabilities. **A 2022 federal report from the U.S. Department of Education identifies**

Connecticut as *leading all states* in the placement of children with special education needs in “separate schools.”<sup>1</sup> Connecticut also ranked second among all states for the percentage of children identified as having Emotional Disturbance who were educated in “separate schools,” with almost a third of these students educated in separate settings.<sup>2</sup>

These findings highlight the critical need to ensure:

1. The Connecticut State Department of Education monitors and enforces children’s civil right to appropriate education in the least restrictive environment; and
2. School districts are continuously supported and required to implement a range of special education programming for children with disabilities in the general education environment as required by federal law.

OCA strongly supports dollars equitable education funding, teacher recruitment/workforce development, enhanced support for special education services generally, professional development and technical assistance to school districts to work with children who are complex learners.

Certain private programs can surely do a wonderful job for students, and OCA supports an individualized determination for each child as to where they can receive the most appropriate education. However, Connecticut continues to be painfully over-reliant on the exclusion of certain children with disabilities from public schools, and this must be meaningfully addressed. Furthermore, the state Auditors of Public Accounts issued successive reports only a few years ago finding a dearth of oversight for “therapeutic day schools,” including a lack of any uniform and public outcome measures, and the Auditors made multiple recommendations for increased transparency and accountability for these publicly funded programs.<sup>3</sup>

#### **H.B. No. 5238 (RAISED) AN ACT CONCERNING THE PROVISION OF TEMPORARY HUSKY COVERAGE AND MEDICAL ASSISTANCE TO CERTAIN MINORS.**

OCA supports this bill which will provide temporary HUSKY services to minor victims of sexual assault and child abuse or neglect and establish a fund to provide grants for medical costs incurred by minor victims of sexual assault and child abuse or neglect.

#### **S.B. No. 208 (RAISED) AN ACT CONCERNING SOCIAL MEDIA AND PARENTAL CONSENT.**

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<sup>1</sup> Report can be found here: <https://sites.ed.gov/idea/files/43rd-arc-for-idea.pdf>.

<sup>2</sup> “Separate schools” is defined in the report to include “students with disabilities who receive special education and related services, at public expense, for greater than 50 percent of the school day in public or private separate day schools or residential facilities.”

<sup>3</sup> PERFORMANCE AUDIT: The State Department of Education’s Approval Process of Private Special Education Programs and Oversight of Non-approved Programs (2018), found on the web: [https://www.cga.ct.gov/apa/reports/performance/PERFORMANCE\\_State%20Department%20of%20Education%27s%20Approval%20Process%20of%20Private%20Special%20Education%20Programs%20and%20Oversight%20of%20Non-approved%20Programs\\_20180222.pdf](https://www.cga.ct.gov/apa/reports/performance/PERFORMANCE_State%20Department%20of%20Education%27s%20Approval%20Process%20of%20Private%20Special%20Education%20Programs%20and%20Oversight%20of%20Non-approved%20Programs_20180222.pdf).

OCA supports legislation raising the age of parental consent requirement for social media access to 16. Across the country, state and federal legislators are working to address rising concern about the impact of a largely unregulated social media industry on children's behavioral health. We absolutely must do more to protect the privacy and mental health of children by enhancing on-line protections for children, giving parents additional tools to monitor and block website access, and increasing transparency for social media companies' algorithms and marketing with regard to children.

### **H.B. No. 5243 (RAISED) AN ACT CONCERNING ADULT SEXUAL MISCONDUCT.**

OCA strongly supports the goals of this bill to comprehensively address and prevent sexual abuse of children in child-serving programs.

#### *Prevalence Of Child Sexual Abuse In Schools*

A 2014 federal report referenced that nearly 9.6% of students are “victims of sexual abuse by school personnel—such as teachers, principals, coaches, and school bus drivers—sometime during their school career.”<sup>4</sup> (*Connecticut does not collect and publish state-specific data on these concerns.*). The GAO cautioned that the true prevalence of sexual abuse/maltreatment by school personnel “remains unknown,” because many cases are unreported. **The United States Department of Education recommends that training regarding Adult Sexual Misconduct with students be “mandatory for all school personnel who have direct contacts with students.** This ensures that all members of the school community hear the same messages and are knowledgeable about the school's policy... [Training] should serve as the foundation of Adult Sexual Misconduct prevention and response. Requiring that staff members read a handbook of policies and procedures on Adult Sexual Misconduct prevention will not achieve the intended results.”<sup>5</sup>

#### *Children With Disabilities Are Particularly Vulnerable To Physical, Emotional, And Sexual Abuse.*

Many child-serving organizations, including schools, are not aware that children with disabilities, particularly children with behavioral and mental health support needs and children with intellectual disabilities are at heightened risk of child abuse and neglect. Children with disabilities are almost three times more likely than their disability-free peers to become Adult Sexual Misconduct targets, and those with intellectual and mental health disabilities appear to be most at risk. This problem is compounded when a disability interferes with a child's ability to report abuse to an adult. **It is critical that training regarding Adult Sexual Misconduct, including bystander training, specifically address the unique risks and vulnerabilities for children with disabilities.**

#### *OCA Recommendations Regarding Adult Sexual Misconduct*

OCA supports the provisions in the bill that would require school district participation in the CDC's Youth Risk Behavior Survey, additional question/s regarding Adult Sexual Misconduct, mandatory

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<sup>4</sup> United States Government Accountability Office, *Federal Agencies Can Better Support State Efforts to Prevent and Respond to Sexual Abuse by School Personnel* (2014) at 1, found on the web at: <https://www.gao.gov/assets/670/660375.pdf> (hereinafter GAO Report).

<sup>5</sup> U.S.D.E. Technical Assistance Guide (2017) (emphasis in original) found on the web: <https://rems.ed.gov/docs/asmtrainingguide.pdf>

training regarding appropriate child interaction and bystander concerns, and coordination among state and local agencies with regarding to investigation of allegations of child abuse and neglect.

OCA recommends that the provisions in the bill regarding training and coordinated/check-listed investigations be amended to require either a working group to develop protocols or, at a minimum, consultation with state experts regarding child sexual abuse prevention and response including the Connecticut's Children's Alliance. OCA also cautions that language in Section 10 be clarified to avoid a delay in reporting of abuse/neglect concerns resulting from local providers conducting their own abuse/neglect investigation prior to calling DCF.

OCA offers the following recommendations, excerpted from our recent investigative reporting on Adult Sexual Misconduct in schools.

1. Consistent with federal guidance on sexual abuse prevention and Title IX compliance, Districts must develop policies and protocols that specifically define and address Adult Sexual Misconduct in schools.
2. SDE should convene a working group to help develop a specific framework for school districts regarding Adult Sexual Misconduct. The goal would be to help districts align state requirements regarding sexual abuse prevention and mandated reporting with federal anti-discrimination (Title IX) laws.
3. The legislature should consider requiring Adult Sexual Misconduct awareness and prevention training as part of the framework for educator pre-certification training and ongoing professional development.
4. Policies and training must specifically address the heightened risk of victimization for highly vulnerable students, including children who identify as LGBTQ and students with disabilities.
5. Districts must have multiple reporting access points for students.
6. District trainings regarding abuse prevention/response and Title IX must be comprehensive, ongoing, and offered to all stakeholders in the school community, including parents and school board members.

OCA also respectfully offers the following for the Committee's consideration<sup>6</sup>:

Currently, if DCF investigates abuse and neglect of a child in a school program and makes systemic findings (program concerns), there is no framework in state law for sharing this information with parents or the public and no framework for ensuring accountability for any program concerns DCF identified.

Therefore, OCA recommends that the legislature ensure a framework for **information-sharing, transparency and accountability for investigative findings regarding child abuse and neglect in schools**, DCF's identification of programmatic concerns that affect health and safety of children, and parents' right to receive information material to the health and safety of their children. Clarify state law regarding findings of abuse and neglect to reflect that such findings refer to *whether a child is*

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<sup>6</sup> OCA offered these recommendations to the Legislature previously following our investigative report regarding Compliance with Mandated Reporting in the Hartford Public Schools (2017), found here: <https://portal.ct.gov/-/media/OCA/Reports-and-Investigations/OCA-Report-Release-21017-002-1.pdf>.

*abused and neglected* in the custody of an entrusted caregiver or program/institution. This clarification is essential to ensure adequate response to cases involving institutional or programmatic neglect and not directly the result of one person's action.

LANGUAGE BELOW.

**Sec. 17a-101g. Classification and evaluation of reports. Determination of abuse or neglect of child. Investigation. Notice, entry of recommended finding. Referral to local law enforcement authority. Home visit. Removal of child in imminent risk of harm. Family assessment response program. Disclosure of information to providers.** (a) Upon receiving a report of child abuse or neglect, as provided in sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which the alleged perpetrator is (1) a person responsible for such child's health, welfare or care, (2) a person given access to such child by such responsible person, or (3) a person entrusted with the care of a child, the Commissioner of Children and Families, or the commissioner's designee, shall cause the report to be classified and evaluated immediately. If the report contains sufficient information to warrant an investigation, the commissioner shall make the commissioner's best efforts to commence an investigation of a report concerning an imminent risk of physical harm to a child or other emergency within two hours of receipt of the report and shall commence an investigation of all other reports within seventy-two hours of receipt of the report. A report classified by the commissioner, or the commissioner's designee, as lower risk may be referred for family assessment and services pursuant to subsection (g) of this section. Any such report may thereafter be referred for standard child protective services if safety concerns for the child become evident. A report referred for standard child protective services may be referred for family assessment and services at any time if the department determines there is a lower risk to the child. If the alleged perpetrator is a school employee, as defined in section 53a-65, or is employed by an institution or facility licensed or approved by the state to provide care for children, the department shall notify the Department of Education or the state agency that has issued such license or approval to the institution or facility of the report and the commencement of an investigation by the Commissioner of Children and Families. The department shall complete any such investigation not later than forty-five calendar days after the date of receipt of the report. If the report is a report of child abuse or neglect in which the alleged perpetrator is not a person specified in subdivision (1), (2) or (3) of this subsection, the Commissioner of Children and Families shall refer the report to the appropriate local law enforcement authority for the town in which the child resides or in which the alleged abuse or neglect occurred.

(b) The investigation shall include a home visit at which the child and any siblings are observed, if appropriate, a determination of the nature, extent and cause or causes of the reported abuse or neglect, a determination of the person or persons suspected to be responsible for such abuse or neglect, the name, age and condition of other children residing in the same household and an evaluation of the parents and the home. The report of such investigation shall be in writing. The investigation shall also include, but not be limited to, a review of criminal conviction information concerning the person or persons alleged to be responsible for such abuse or neglect and previous allegations of abuse or neglect relating to the child or other children residing in the household or relating to family violence. After an investigation into a report of abuse or neglect has been completed, the commissioner shall determine, based upon a standard of reasonable cause, whether a child has been abused or neglected, as defined in section 46b-120. [If] [t]The commissioner shall make written determination[es] [that] as to whether a child is abused or neglected as defined in section 46b-120. [, abuse or neglect has occurred,] [t]The

commissioner shall also determine whether: (1) t[<sup>7</sup>]here is an identifiable person responsible for such abuse or neglect; and (2) whether such identifiable person poses a risk to the health, safety or well-being of children and should be recommended by the commissioner for placement on the child abuse and neglect registry established pursuant to section 17a-101k. If the commissioner has made the determinations in subdivisions (1) and (2) of this subsection, the commissioner shall issue notice of a recommended finding to the person suspected to be responsible for such abuse or neglect in accordance with section 17a-101k. In all cases where a child is found pursuant to this section to be abused or neglected, the parent or guardian of such child shall be provided with notice of the reasons supporting such a finding, along with any program concerns identified by the Department of Children and Families and the Department's recommendations, where applicable, for preventing ongoing maltreatment of the child.

In all cases where the Commissioner of Children and Families is investigating allegations that a child has been abused or neglected by a school employee as defined by Section 53a-65 or while the child was in the care, custody or supervision of a public elementary, middle or high school, or a private elementary, middle or high school, such investigation shall include a review and development of written findings regarding any programmatic concerns<sup>7</sup> found by the Commissioner of Children and Families that directly affect the health, welfare and safety of the subject child or other children served by the school program. A copy of all findings regarding the abuse or neglect of a child and any corresponding or related programmatic concerns found by the Commissioner of Children and Families shall be sent to the Superintendent of Schools or director of such educational program and the State Department of Education. The Department of Children and Families, in consultation with the State Department of Education, shall develop criteria for the identification of programmatic concerns that affect the health, welfare and safety of children in a school program.

The Department of Children and Families jointly with the State Department of Education shall create protocols and applicable regulations for school programs' response to identified programmatic concerns or concerns of abuse/neglect of students and such protocols shall include criteria for when districts are required to submit corrective action plans to the State Departments of Education, and Children and Families. Where programmatic concerns implicate the safety of children in an educational program or a district or program's compliance with applicable state or federal laws governing the provision of educational services to children or the civil rights of children in school, the State Departments of Education and Children and Families shall ensure appropriate and adequate monitoring of a district or program's corrective action plan.

All information, including district or educational program responses, and corrective actions regarding programmatic concerns described in this Section shall be public documents, and the State Department of Education shall develop a system, no later than January 1, 2023 for maintaining a publicly accessible database containing public information as described in this Section.

All superintendents of schools and directors of educational programs shall ensure that parents or guardians of children attending school in a program or facility for which the Department of Children and Families has identified concerns of abuse, neglect or programmatic deficiencies that affect the health, safety and welfare of children, are promptly informed of identified program concerns,

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<sup>7</sup> DCF does this now, a practice called identifying "program concerns." But there is no framework for transparency and accountability with regard to these program concerns.



consistent with the provisions of Section 17a-28 and any corresponding corrective actions undertaken by the school district, educational program or facility.

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**Sec. 17a-101i. Abuse or neglect by school employee or public or private institution or facility providing care for children. Suspension. Termination or resignation. Notification of state's attorney re conviction. Written policy re mandated reporting. Training programs.** (a)

Notwithstanding any provision of the general statutes, not later than five working days after an investigation of a report that a child has been abused or neglected by a school employee, as defined in section 53a-65 or has been abused or neglected while in the care or supervision of a school, educational program or facility, has been completed, the Commissioner of Children and Families shall notify the employing superintendent and the Commissioner of Education of the results of such investigation and shall provide records, whether or not created by the department, concerning such investigation, and any and all programmatic concerns found by the department during the course of the investigation, to the superintendent and the Commissioner of Education. The Commissioner of Children and Families shall provide such notice whether or not the child was a student in the employing school or school district. If (1) the Commissioner of Children and Families, based upon the results of the investigation, has reasonable cause to believe that a child has been abused or neglected by such employee, and (2) the commissioner recommends such school employee be placed on the child abuse and neglect registry established pursuant to section 17a-101k, the superintendent shall suspend such school employee. Such suspension shall be with pay and shall not result in the diminution or termination of benefits to such employee. Not later than seventy-two hours after such suspension the superintendent shall notify the local or regional board of education and the Commissioner of Education, or the commissioner's representative, of the reasons for and conditions of the suspension. The superintendent shall disclose such records to the Commissioner of Education and the local or regional board of education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization. The suspension of a school employee employed in a position requiring a certificate shall remain in effect until the board of education acts pursuant to the provisions of section 10-151. If the contract of employment of such certified school employee is terminated, or such certified school employee resigns such employment, the superintendent shall notify the Commissioner of Education, or the commissioner's representative, within seventy-two hours after such termination or resignation. Upon receipt of such notice from the superintendent, the Commissioner of Education may commence certification revocation proceedings pursuant to the provisions of subsection (i) of section 10-145b. Notwithstanding the provisions of sections 1-210 and 1-211, information received by the Commissioner of Education, or the commissioner's representative, pursuant to this section shall be confidential subject to regulations adopted by the State Board of Education under section 10-145g.

(b) Not later than five working days after an investigation of a report that a child has been abused or neglected by a staff member or while in the care, custody or supervision of a public or private institution or facility that provides care for children or a private school has been completed, the Commissioner of Children and Families shall notify such staff member's employer at such institution, facility or school, or such employer's designee, of the results of the investigation. If (1) the Commissioner of Children and Families, based upon the results of the investigation, has reasonable cause to believe that a child has been abused or neglected by such staff member, and (2) the commissioner recommends that such staff member be placed on the child abuse and neglect registry established pursuant to section 17a-101k, such institution, facility or school shall suspend such staff

person. Such suspension shall be with pay and shall not result in diminution or termination of benefits to such staff person. Such suspension shall remain in effect until the incident of abuse or neglect has been satisfactorily resolved by the employer of the staff person or until an appeal, conducted in accordance with section 17a-101k, has resulted in a finding that such staff person is not responsible for the abuse or neglect or does not pose a risk to the health, safety or well-being of children. If such staff member has a professional license or certificate issued by the state or a permit or authorization issued by the State Board of Education or if such institution, school or facility has a license or approval issued by the state, the commissioner shall forthwith notify the state agency responsible for issuing such license, certificate, permit, approval or authorization to the staff member and provide records, whether or not created by the department, concerning such investigation.

(c) If a school employee, as defined in section 53a-65, or any person holding a certificate, permit or authorization issued by the State Board of Education under the provisions of sections 10-144o to 10-149, inclusive, is convicted of a crime involving an act of child abuse or neglect as described in section 46b-120 or a violation of section 53-21, 53a-71 or 53a-73a, the state's attorney for the judicial district in which the conviction occurred shall in writing notify the superintendent of the school district or the supervisory agent of the nonpublic school in which the person is employed and the Commissioner of Education of such conviction.

(d) For the purposes of receiving and making reports, notifying and receiving notification, or investigating, pursuant to the provisions of sections 17a-101a to 17a-101h, inclusive, and 17a-103, a superintendent of a school district or a supervisory agent of a nonpublic school may assign a designee to act on such superintendent's or agent's behalf.

(e) On or before February 1, 2012, each local and regional board of education shall adopt a written policy, in accordance with the provisions of subsection (d) of section 17a-101, regarding the [reporting by school employees, as defined in section 53a-65,] mandated reporting of suspected child abuse in accordance with sections 17a-101a to 17a-101d, inclusive, and 17a-103. Such policy shall be distributed annually to all school employees employed by the local or regional board of education, and contractors providing services to students in schools. The local or regional board of education shall document that all such [school employees] mandated reporters employed by the district have received such written policy and completed the training and refresher training programs required by subsection (c) of section 17a-101.

(f) (1) All [school employees, as defined in section 53a-65, hired by a local or regional board of education on or after July 1, 2011,] mandated reporters employed by a school district shall be required to complete the training program developed pursuant to subsection (c) of section 17a-101. All such school employees shall complete the refresher training program, developed pursuant to subsection (c) of section 17a-101, not later than three years after completion of the initial training program, and shall thereafter retake such refresher training course at least once every three years.

(2) On or before July 1, 2012, all school employees, as defined in section 53a-65, hired by a local or regional board of education before July 1, 2011, shall complete the refresher training program developed pursuant to subsection (c) of section 17a-101 and shall thereafter retake such refresher training course at least once every three years.



**Sec. 17a-103e. Reports of child abuse and neglect by a school employee. Review of records and information.** (a) The Department of Children and Families shall conduct, at least annually, random quality assurance reviews of reports and investigations that a child has been abused or neglected by a school employee, as defined in section 53a-65. If, as a result of such review, the department discovers any issues in any report or investigation, the department shall take any necessary action to correct or satisfy such problem or issue. The department shall use such reviews to assess the quality and conduct of such investigations. The Department shall report annually to the Education and Children's Committees of the Connecticut General Assembly regarding the results of such reviews, including any recommendations that promote the health, safety and welfare of children.

(b) The Department of Children and Families shall review, at least annually, with the Department of Education all records and information relating to reports and investigations that a child has been abused and neglected by a school employee, as defined in section 53a-65, in the Department of Children and Families' possession to ensure that records and information are being shared properly. The departments shall address and correct any omissions or other problems in the records and information-sharing process of the departments. The results of such review shall be included in the Department of Children and Family's annual report to the legislature as required by this Section.